

SMITH NOT THE PISTOL BUYER?

PAWNBROKER SAID NOT TO HAVE RECOGNIZED HIM.

Smith says he never was in the pawnshop—He and his wife John Patterson in the Tombs—Miss Patterson is the arraigned today in conspiracy case.

Waiting in Judge Foster's court in General Sessions yesterday when J. Morgan Smith, brother-in-law of Nan Patterson, was arraigned on the charge of conspiracy in trying to extort money from Bookmaker Oscar Young were three persons whose testimony it was expected would be important links in the chain of evidence constructed by the District Attorney to show at the second trial of Nan Patterson, which begins next Monday, that she murdered Young in a cab on the morning of June 4 last.

They were Hyman Stern, the Sixth avenue pawnbroker who sold the pistol with which Young was killed, his son, who was present when the pistol was bought by a man and a woman, and Joseph Hewitt, the one-legged newswoman who says that he saw a man slap Nan Patterson's face in front of Palast's restaurant at the Columbus Circle the night before Young was killed, the man saying, "You've got to do it, you must do it."

Under instructions from Assistant District Attorney Rand, the Sterns and Hewitt refused to say whether or not they had identified Smith as the man who bought the pistol or the man who slapped the prisoner. At the first trial Stern said he thought a picture of Smith looked like the man who bought the pistol. Since then the Sterns have said that they didn't think they could recognize the man who bought the pistol even if they saw him. After they left the court room yesterday it was said that Smith was the man who bought the pistol or not they had refused. Smith and his wife, Julia, Nan Patterson's sister, were held in \$3,000 bail each on the conspiracy charge. They are without money, and their counsel, H. R. Limburger, said that unless some charitable person came forward he would ask to-morrow to have bail reduced. In the meantime they are in the Tombs with Nan Patterson, with whom they are jointly charged with conspiracy. She will be arraigned before Judge Foster to-day on the conspiracy charge.

Nan Patterson, who takes her prison experience calmly, showed some excitement yesterday morning while waiting for the Smiths to get through with the court proceedings. For a half hour she fidgeted around the counsel room in the Tombs talking to Dan O'Reilly and wondering what her sister. Then she spied the couple crossing the Bridge of Signs. She jumped to the window and tapped on the glass to attract their attention.

"Look, look," she said, "There's Julia. Why, h. w. old she looks."

As the Smiths turned into the main corridor Miss Patterson ran out and embraced her sister. There was a weeping spell, and when the tears had stopped, Miss Patterson said:

"My dear Julia, how old you have grown. Why, you are quite gray. How is mother?" "Yes," said Julia, "I have been quite ill. I weigh less than 100 pounds now. But I'll be all right soon."

Smith, having left the women to themselves for a few minutes, walked over to them. Miss Patterson turned. For a second it looked as if she was going to turn from him. Then she put out her hand, and, smiling, said, "Hello, Morgan, how are you?" "Hello, Morgan, how are you?" she said. "That was all they had to say. Just then the father of the women came bustling in. 'My,' he said, 'bitterly looking at the daughters and Smith. 'I suppose we'll have the whole family here next. Then the men withdrew, and the two women, chatted. Finally, Miss Patterson called Warden Flynn and asked that her sister be put in a cell near her. This was done. An hour later the sisters sat at the same table. The last time they dined together was the night of June 3, when they had dinner at the St. Paul Hotel.

When the Smiths were brought from Police Headquarters to court yesterday morning there was a crowd in their wake and the court room was jammed. Smith, big, broad shouldered, towered over his wife. She is slender, and has a thin face, but a thinner face, but their features are the same. Their counsel said, Mr. Limburger added that he would like to inspect the minutes of the grand jury. Judge Foster said that he could make his motion to-morrow. When the question of bail came up Mr. Rand said:

"The conspiracy with which these people are charged resulted in homicide, although I do not say that that was its purpose. These defendants have been fugitives from justice. I did not name any hiding in foreign countries and in foreign States. I ask that bail be fixed at \$5,000 for each."

Mr. Limburger protested that it would be prohibitive. So far as he knew, he added, the Smiths were charged with writing a letter to Young in an effort to get him to part with his money.

"There is no pretence," he said, "that Young ever parted with the money. The letter urging Young to do what was right."

Judge Foster said he would give his decision then, but later in the afternoon he decided on \$3,000. Ale Levy, of counsel for Miss Patterson, was in court. He said he would assign his client to the Tombs for the night, but later in the afternoon he decided on \$3,000. Ale Levy, of counsel for Miss Patterson, was in court. He said he would assign his client to the Tombs for the night, but later in the afternoon he decided on \$3,000.

"I never bought the revolver, and I was never in Stern's pawnshop in my life. I am perfectly willing to testify any day I have been in the trunk that was taken from me in Cincinnati was a statement telling everything I did and naming every person I saw on the day the pistol was bought. The District Attorney's Office has got that statement, and I am glad it has."

"Then, if you didn't buy the pistol and you are innocent of any wrongdoing, why did you and your wife leave New York so hurriedly?" Smith was asked.

"I have no answer to make to that, as anything I might say might be misconstrued. I won't say anything more except on the advice of my counsel."

Mr. Rand and Mr. Garvan said that they had searched the trunk carefully, but had found the statement mentioned by Smith in nothing like it.

If Smith could get bail he will be arraigned on the warrant charging him with contempt in failing to answer a grand jury subpoena that was served on him while the death of Young was being investigated.

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MOBBED THE GERRY WAGON.

East Side Parents Muddled by Screams of Little Girls in Wire Cage.

Hyman Michaelson, 20 years old, of 157 Eldridge street, was arraigned in the Essex Market police court yesterday on a charge made by a seven-year-old schoolboy, Mory Savenick, of 87 Heister street. The arrest was brought about by the girl's complaint to her teacher, Miss Harris, of Public School 144, in Allen street.

The teacher notified the Gerry society that she had received scores of similar complaints from young girl pupils. Michaelson was arrested Tuesday night by Agent Pisarro.

When the case was called yesterday in the Essex Market police court Miss Harris was present with five of her pupils, whose ages ranged from 7 to 11 years, who, she said, would corroborate the Savenick girl's story. The parents and scores of relatives of the children were also in court. Magistrate Pool adjourned the hearing until Friday.

At the request of Pisarro, the children were committed to the custody of the Gerry society as witnesses. There was a loud protest from the parents when they heard that Michaelson was to be kept in the wire cage until the hearing on Friday.

There was an uproar in the court and several of the mothers of the little girls became hysterical. They did not understand the proceedings, and thought that the decision of the Magistrate meant that their daughters were to be sent to some institution. It took several policemen to drag Michaelson away from his children.

Outside, the Gerry society wagon was waiting with its wicker sides. The six little girls were huddled crying in the wagon, which looks more like a criminal's cell than the regular prison vans. The parents and the relatives followed the screaming children out of the court room, screaming and waving themselves.

A mob of at least one thousand people gathered around the wagon and made angry threats against Pisarro and the policeman who was guarding him. By this time the wagon was being driven away, followed by several hundred people for several blocks.

Michaelson was kept in the wire cage until the hearing on Friday, and, if Michaelson should be held for trial, the little girls will remain in the Gerry society's rooms pending the trial, which may not take place for several weeks.

DEER HUNT IN THE BRONX.

The Zoo's Herd Gone Astray—Six of an Unlucky 13 Still Wandering.

Thirteen fallow deer, which were brought from Van Cortlandt Park to the zoo in the Bronx two years ago, escaped yesterday morning. The deer were transferred from their own range to the buffalo range a few days ago, so that the spring planting might be done without their interference.

They were put in with the other deer because fallow deer are not regarded highly as exhibition animals. They found a low spot in the fence, jumped it and made good their escape into the gardens and the woodwork. Their escape was discovered early in the morning, and the whole force of keepers set out carrying ropes and traps to capture them. By this time the herd had scattered to the north. Three of them were found wading in the stream near the old Lorillard mansion, and the keepers went in to get up to their hips to collar the deer.

Two more of the fugitives were caught as they stood nibbling strange but to the keepers, they were taken to the zoo. They showed no fear of the keepers, having been so long in captivity. Most of the deer ran away at sight of their pursuers, though, knowing that they were being chased, they followed the buffalo range. When they did run the keepers had little chance.

Bicycle Policemen May save a buck on Deham. The deer were taken to the zoo. They showed no fear of the keepers, having been so long in captivity. Most of the deer ran away at sight of their pursuers, though, knowing that they were being chased, they followed the buffalo range. When they did run the keepers had little chance.

Such deer as were caught were led back to their home with halters. Seven had been captured at nightfall.

INDIA'S MANY DEAD.

Lord Curzon Puts Estimate of Earthquake Victims at 15,000.

Special Cable Despatch to THE SUN.

LONDON, April 12.—Viceroy Curzon, cabling in regard to the earthquake in India last week, says that a rough estimate puts the number of dead in Palampur at 3,000 and in Kangra at 10,000.

SIMLA, April 12.—Continued earth tremors are felt here. The severest since the original shock occurred last night.

A cablegram was received yesterday morning at the offices of the Presbyterian Board of Foreign Missions stating that the death of the Presbyterian missionaries in the district in India affected by the earthquakes had been injured. There are twenty-five to thirty American missionaries in the district.

PROFITS OF ELECTRIC SUBWAY

ADD \$8 A LAMP A YEAR TO ELECTRIC LIGHT COST.

Lighting Committee Informed That Cost of Construction of the Subways Includes Discount on Bonds and Payment to Suburban for Alderman Gaffney's Wife.

The legislative investigation into the lighting situation here took another turn yesterday when Charles E. Hughes, the chief inquisitor, began to delve into the affairs of the conduit company, whose contracts are supplied by the New York Edison Company to supply current to street lamps and private consumers. One of the witnesses, William J. Sefton, secretary and general superintendent of the Consolidated Telegraph and Electrical Subway Company, was not fertile soil. Mr. Hughes, with characteristic persistence, kept digging until he got, in one form or another, the information he sought.

The examination of this witness brought out again strikingly how the senior counsel of the committee has mastered in a few weeks the intricacies of the lighting business in this city. From the day the investigation began he has never been lost for a moment in the maze of figures. Some idea of the size of the job may be obtained from the fact that the affairs of thirty-one companies which go to make up the conduit system are involved, beginning with the organization of the old New York Gas Light Company in 1823. All these corporations are controlled by the Consolidated Gas Company, but many of them still preserve their corporate existence, with the consequent complex system of accounting.

Under Mr. Hughes's questioning the relation to the parent company has been made clear to the committee, and the difference between actual investments and paper values has been spread in detail upon the record.

When it came to the electric light companies Mr. Hughes did not have to depend entirely on his own resources. Associated with him as junior counsel is Gustavus T. Kirby, a young lawyer, who also has the advantage of being an expert electrical engineer. Kirby was graduated from the school of mines at Columbia before he took up the study of law. He has kept out of the limelight since the quiz began, never asking a question or making a statement. But he is constantly at Mr. Hughes's elbow, and under his suggestions evidence of the highest importance concerning the cost of production and distribution of the light is being brought out.

Mr. Sefton testified that the cost of constructing the subway conduits to December 31, 1904, was \$5,675,000. Mr. Hughes then produced the statement of the company to the Controller that the cost of construction up to that date was \$5,675,000. "How do you explain this discrepancy?" he asked.

"I can't explain it. I did not prepare the report," Mr. Sefton answered. "But he did not come to the company until 1903, and you have been with them for years."

"I can't explain the difference. I never kept the books," Mr. Sefton answered. "Mr. Middleton succeeded in straightening out the tangle. He said the construction accounts were actually correct up to 1903, and this sum was added \$1,187,500 for discount on bonds sold which the company would have to redeem at par and \$752,500 for interest."

Edwin R. Quimby, the engineer of the company, testified that it cost a little over \$7,000 a mile to build the conduits in 1893 and only \$5,000 to build them in 1904. Mr. Sefton was recalled and asked to explain why there should be such a difference. He said he did not know.

"Can you give us the name of any one who does?" queried Mr. Hughes. "No, most of them are dead," was the answer.

The chief inquisitor then read the testimony of Mr. Sefton concerning the cost of reproducing the conduits which he gave before the State Tax Board several years ago.

"You seemed to know something about the cost of this work then. How is it that you are not properly informed now?" The figures I gave then were furnished to me by the engineer."

"Has anything become fixed in your mind since you were connected with this company or do you have to depend on others for everything?" asked Senator Page.

"Well, I rely mostly on myself," replied the witness.

"What is your salary?" asked Mr. Hughes. The witness hesitated and Lawyer Beardsley rose to object to the question. By this time the herd had scattered to the north. Three of them were found wading in the stream near the old Lorillard mansion, and the keepers went in to get up to their hips to collar the deer.

"It is not material to the investigation what salary he gets," inquired Senator Page. Mr. Sefton finally said that he receives \$5,000 a year.

General Manager Lieb of the New York Edison Company testified that this corporation paid \$1,000 a mile rental for conduits which made the cost about \$8 a lamp a year. "What would the rental be if you had the conduit system of the city instead of the independent?" asked Mr. Hughes.

"It would vary between \$25 and \$30 a year."

A series system were installed could not you furnish light cheaper than you do now?" "No," answered Mr. Lieb and he added that the series system had been abandoned in New York.

Auditor Edwards testified that the rentals for conduits paid by the Edison Company last year amounted to \$178,772. The Edison Company owns \$2,500,000 of the stock of the Subway company and had lent it on debenture bonds \$3,373,000 in the last five years. The interest accrued on these bonds is \$78,000.

The investigation of the affairs of the subway company may have a bearing on an action now pending in court. It is according to the terms of the original contract the company agreed to pay the city all it earned in excess of 10 per cent. of the profit on the conduits. The city is now suing the company for the balance of the profit.

WALL OF WATER LIMITS FIRE

Hot Blaze in the Hay Mart. Fifty-four Horses Turned Out.

The "wall of water," which was used so effectively yesterday in protecting the West Fifty-ninth street gas tanks from fire, was tried again early yesterday morning at a fire which gutted Horace Ingersoll's hay, grain and feed warehouse at 640 to 644 West Thirty-fourth street. Powerful streams of water thrown by the fire boats New Yorker and George B. McEllen were crossed in such a manner that they formed a wall in front of the New York Central's big grain storehouse just across a narrow alley from the burning building. It never once caught fire.

The fire, which did \$40,000 damage, was in the Hay Mart, along the riverfront, where thousands of tons of grain and fodder are received, stored and shipped every day. The Ingersoll warehouse held over 200 carloads of inflammable fodder. Police Station discovered the fire at 4 o'clock. He sent in an alarm and then called a score or more of longhorns. They broke into the Amstell Brewing Company's building, beat door to the burning building and liberated twenty-two horses. Others broke open the doors to the burning warehouse and let out thirty-two horses. The horses roamed around the streets, got in the way of firemen and had a good time generally. They were all corralled by daylight.

The firemen were hampered by lack of water until the fireboats got to work.

MOCK MARRIAGE CASE FAILS.

Policemen Tobin and Wetzel Go Free—Not Identified by Couple.

Policemen George Tobin and George Wetzel, who had been accused of complicity in the mock marriage ceremony performed at the East Fifty-first street station, were discharged yesterday in Jefferson Market police court, with the consent of Mr. Krotel of the District Attorney's office, who has been conducting the prosecution. The policemen have been under suspicion since the charge was made. The mock marriage was performed between Wilhelm Bay and a young woman who is now really his wife. Kirby was graduated from the school of mines at Columbia before he took up the study of law. He has kept out of the limelight since the quiz began, never asking a question or making a statement. But he is constantly at Mr. Hughes's elbow, and under his suggestions evidence of the highest importance concerning the cost of production and distribution of the light is being brought out.

NICOLAS PIKE DEAD AT 85.

Naturalist and Friend of Agassiz and Samuel F. B. Morse.

Col. Nicolas Pike, naturalist and Consul to Mauritius from 1898 to 1871, died on Tuesday in St. Vincent's Hospital from paralysis at the age of 85. He was born in 1813. In 1873 "Subtropical Rambles in the Land of the Ananapetrix," a book descriptive of the fauna and flora of Mauritius. It was written during his Consulship. He had previously been Consul-General in Portugal and there made a study of the groups lupine in the volcanic districts of Portugal and advised the use of sulphur to destroy it. For an essay treating of the zoology of Mauritius he was awarded the gold medal by the governor of the island. During his Consulship there he made a collection of the fish of the Indian Ocean and afterward of the birds of the same region. He was a friend of Louis Agassiz and of S. F. B. Morse, was a member of several scientific societies of Europe and was a collector of birds and insects in measures to preserve song birds and insectivorous birds from destruction. In the civil war he rendered service in the organization of the Thirtieth and Fifty-first regiments of the Thirtieth of Brooklyn, and was in charge of a camp of instruction at Williamsburg.

He was married twice. He leaves two sons by his first wife, Joseph Trevett Pike and Gordon Pike. He resided recently with J. T. Pike at 120 West 112th street.

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Among those for whom subpoenas have been made out is E. I. Gaffney, treasurer of the New York Contracting and Trucking Company. This is Esau Irene Gaffney, wife of Alderman Gaffney, who is now in the hospital. He promised he would produce his wife whenever her presence was required.

C. U. WILL TELL US TO-NIGHT

What's Wrong With the City, and Won't Commit Itself on Fusion.

The Citizens' Union will have its spring convention to-night in Cooper Union hall, after issuing an address to the public and appointing a committee to confer with other organizations on the make-up of a municipal platform. The address will be made by the president of the union, Mr. C. U. Will, who will declare the city's position on the question of fusion or announcing candidacies.

The address which will be read to-night will condemn the administration of Mayor McClellan, declaring that he has been handicapped by the inefficiency of department heads. The address will also repeat that the Union is in favor of overhauling the city government, that the city should operate all public utilities, and that power should be given to the city to operate such utilities whenever the citizens are interested. Such an action will declare would put the city in a position to compel proper service from the corporations.

Forewell Dinner to H. Clay Evans.

Special Cable Despatch to THE SUN.

LONDON, April 12.—The Pilgrims' Society gave a farewell dinner to-night to H. Clay Evans, the retiring American Consul-General, at the Grosvenor Hotel. Mr. Evans said that he would leave England with many regrets. He urged the cultivation of Anglo-American amity, and said he hoped the two countries would advance the cause of humanity throughout the world.

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INTERBOROUGH BACKING B. R. T.

BROOKLYN SUBWAY PLANS AN OFFSET TO METROPOLITAN.

With the Likelihood of Free Transfers to Surface Lines Across the River Figuring in the Next Belmont Bids for Franchises—New Routes Let In.

After considering again yesterday the routes suggested by the Brooklyn Rapid Transit Company for new subways in Brooklyn and the joining of those subways with loops at the Manhattan ends of the East River bridges, the Rapid Transit Commission's committee on plans decided to submit a supplemental report to the commission to-day advising the placing on the map of new routes all the proposals of the Brooklyn company. This action, if adopted, will give an opportunity to the company to bring its system over to this borough.

President Winter of the Brooklyn Rapid Transit Company has asked for the laying out of subway loops in the Manhattan end of the East River bridges, Williamsburg and Manhattan bridges. The loops will swing as far north as Fourteenth street, will stretch across town so as to tap the North River ferries and will turn back to Brooklyn by means of a four track tunnel under the East River. To carry out the general scheme of the proposals the company asks the privilege of carrying its cars across the bridges to connect with the suggested subways in the two boroughs.

The committee decided yesterday to include these plans in its recommendations, thus carrying out its policy of laying down a comprehensive scheme of routes which will tend to invite competition when bids are asked for.

Bidders may select from the whole the routes they wish to build. It will depend upon the terms they offer which of the bids will be accepted by the commission. In the case of the present subway a particular bid will be selected on the basis of the lowest price for its construction. Now the intent of the commission is to lay out every route suggested by responsible prospective bidders and then decide when the offers are received after advertising the specifications, which of the numerous lines it will be desirable to construct in the interests of the traveling public.

The sudden desire of the Brooklyn Rapid Transit Company to become a competitor for the new subways is a surprise, considering the fact that the company has been offering for the building of lines on the east and west sides of the city. The member of the commission referred to said yesterday that he had no doubt that the Brooklyn Rapid Transit Company's action had been inspired by the Interborough company and was the result of an agreement between the two companies.

In awarding the contracts for the new subways the commission will be swayed mostly by the transfer facilities which the bidders can offer. At present the Metropolitan system seems the better placed in this respect, because it can offer to transfer passengers in this borough to all of its service lines, while the Interborough can only transfer to the elevated lines and, by agreement already made, to the moving platforms which may be built under one of the two of the cross-town streets. By alliance with the Brooklyn Rapid Transit, the Interborough could offer to carry passengers between the Bronx and Brooklyn and the elevated roads, thus providing a larger scope of service than could be afforded by the Metropolitan.

NEW TAX ON ELEVATED FUNDS.

Monopoly of Underground Travel Grows Very Desirable to the Belmont Co.

The decision of the Supreme Court, handed down on Tuesday in the Belmont case, the first of a new series of damage suits against the elevated roads, adds a new and unforeseen element of interest and expense to furnishing rapid transit for this city. The suit was for damages by reason of the extension of the platform of the station there, and the Court awarded the plaintiff, Braemar, \$25,000.

J. Aspinall Hodge, who argued the case for the Braemar estate, says that the decision means that the railroad company has no right, unless it pays for the privilege, to project its stations into the side streets or along the structure to furnish added station accommodations. This being the case, and it having been necessary to enlarge the old stations, built to accommodate short engine drawn trains, to make room for the longer electric train now in use, a new cost which may amount to millions and the basis of this decision has been added to the original estimate.

Those whose attention is directed to the business of transportation, and who are interested in the earning capacity of railroads, note that, with its patronage being daily depleted by the underground road, this added cost would be a serious matter for the owners of the elevated roads, were it not for the fact that the Belmont's Interborough company, operating the subway, had leased and guaranteed a dividend on the stock of the elevated, whether earned or not. It is pointed out that the underground road, leased from the city, might be able to earn enough to make up its

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How I Suffered with Itching and Bleeding Eczema

UNTIL CURED BY CUTICURA

"No tongue can tell how I suffered for five years with a terribly painful, itching, and bleeding eczema on my body and face being covered with sores. Never in my life did I experience such awful suffering, and I longed for death, which I felt was near. I had tried doctors and medicines without success, but my mother insisted that I try Cuticura. I felt better after the first bath with Cuticura Soap and one application of Cuticura Ointment, and was soon entirely well. (signed) Mrs. A. Etson, Bellevue, Mich.

Probable New Mexican Ambassador.

MEXICO CITY, April 12.—It is reported in high Government official circles that Guillermo Deland, the Governor of the Federal District, will be appointed Mexican Ambassador at Washington to fill the vacancy caused by the death of Señor Azpiroz.

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"Indestructible" Fire and Burglar Proof. Warehouses Lexington Ave., 41st and 42d Sts. and Office, 710 Ave. C, 2d and 3d Sts. Superior advantages and unequalled security for storage of Furniture, Merchandise, and Valuables. (SAFE DEPOSIT BOXES, \$2 PER YEAR.) VAULTS FOR SILVER TRUNKS. Furniture, ornaments, etc., carefully packed. Van service by skilled workmen. Illustrated descriptive pamphlet sent on application. Inspection of buildings invited. Address, 110 E. 12th St., LAWRENCE WELLS, Reefs and Trees.

Notice to Patrons

Owing to the number of removals at this season much inconvenience may be avoided in the installation of electric service by notifying us of your intentions as early a date as possible, at any of our branch offices.

390 Grand St., 30 West 32d St., 117 West 125th St., 634 E. 149th St., 3d Ave. W. or 65 Duane St.

The New York Edison Co. 55 Duane Street, New York

THE MANHATTAN STORAGE AND WAREHOUSE COMPANY

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